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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/813,288 | 03/29/2004 | Jonathan Castle | 022048-000100US | 4539 |
| 20350 | 7590 | 12/28/2005 | EXAMINER | |
| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | HUNNINGS, TRAVIS R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2632 | |

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,288

Applicant(s)

CASTLE ET AL.

Examiner

Travis R. Hunnings

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12,13 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 3,11,14 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 12, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bybee (US Patent 6,696,947).

Regarding claim 1, Bybee discloses *Metal Detector* that has the following claimed limitations:

The claimed plurality of separate sensor panels electrically coupled to each other and arranged one above the other along two separate sides to form two side walls is met by the metal detector assembly as shown in figure 1 and the panels being electrically connected to each other (column 5, lines 33-46);

The claimed at least one top cross-member that engages each side wall is met by the top (46) as shown in figure 1.

Regarding claim 7, the claimed base member coupled to the side walls is met by the base (48, 52) that is shown in figure 1.

Regarding claim 12, the claimed plurality of sensor panels is met by the sensor panels (34, 38, 40 and 44) as shown in figure 1;

The claimed base comprising at least one base member is met by the base (48 and 52) as shown in figure 1;

The claimed top cross member is met by the top (46) as shown in figure 1;

The claimed assembling two side walls each comprising at least two sensor panels such that the sensor panels are in electrical communication is met by the walls as shown in figure 1 and the panels being electrically connected to each other (column 5, lines 33-46);

The claimed coupling the side walls to the base is shown in figure 1;

The claimed coupling the side walls to the top cross member to provide an assembled modular metal detector is shown in figure 1;

The claimed providing power to the metal detector would be inherent to the operation of a metal detector device;

The claimed passing an object to be scanned through the metal detector would be inherent to the operation of a metal detector device.

Regarding claim 16, the claim is interpreted and rejected as claim 12 stated above.

Regarding claim 18, the claimed base comprising at least two base members is met by the two base members (48 and 52) as shown in figure 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 8, 13, 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bybee.

Regarding claim 2, it would have been obvious to one of ordinary skill in the art to make the panels as shown in figures 1 and 21 to be interchangeable. The panels can be attached and reattached and are designed to interconnect with female and male plugs such that interchangeability would have been easily accomplished (column 5, lines 35-46).

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to use any number of panels to make up the side walls of the metal detector including 3

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panels per side. The more panels per side would allow for taller persons to walk through the device.

Regarding claim 8, the claimed base comprising at least two base members is met by the two base members (48 and 52) as shown in figure 1;

The claimed at least four separate and interchangeable sensor panels electrically coupled to each other and arranged above the at least two base members to form two side walls, a bottom sensor panel of each side wall being adjacent a corresponding one of the at least two base members is met by the panels being arranged as shown in figure 1. It would have been obvious to one of ordinary skill in the art to make the panels as shown in figures 1 and 21 to be interchangeable. The panels can be attached and reattached and are designed to interconnect with female and male plugs such that interchangeability would have been easily accomplished (column 5, lines 35-46);

The claimed top cross member that engages each side wall is met by the top (46) as shown in figure 1.

Regarding claim 13, it would have been obvious to one of ordinary skill in the art to use any form of power supply for the metal detector, including a battery or batteries.

Regarding claim 15, it would have been obvious to one of ordinary skill in the art to use any form of power supply for the metal detector, including solar power.

Regarding claim 17, the claim is interpreted and rejected as claim 2 stated above.

Regarding claim 19, the claim is interpreted and rejected as claim 4 stated above.

5. Claims 5, 6, 9, 10, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bybee in view of Fearon (US Patent 4,539,558).

Regarding claim 5, Bybee discloses all of the claimed limitations except for the claimed each sensor panel comprising windowed areas. Fearon discloses *Antitheft System* that teaches a pair of opposing sensor panels with windowed areas as shown in figure 1. Modifying the panels of Bybee to include windowed areas would give the user a better view of the subject as they walk through the metal detector and would therefore give them more information about any possible detections. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Bybee according to the teachings of Fearon to modify the panels to include windowed areas.

Regarding claim 6, the claimed sensor panel comprising a weather-proof construction is met by the protective core surrounding the circuitry which one of ordinary skill in the art would have considered to be 'weather-proof' (column 3, lines 35-47).

Regarding claims 9 and 20, the claims are interpreted and rejected as claim 5 stated above.

Regarding claims 10 and 21, the claims are interpreted and rejected as claim 6 stated above.

Allowable Subject Matter

6. Claims 3, 11, 14 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parks, *Metal Detector Coil*, US Patent 4,866,424;

Karbowski et al. *Walk Through Metal Detector*, US Patent 4,906,973;

Frahm et al. *Metal Detection System*, US Patent 5,521,583;

Park, *Pistol Detection System*, US Patent 5,841,346;

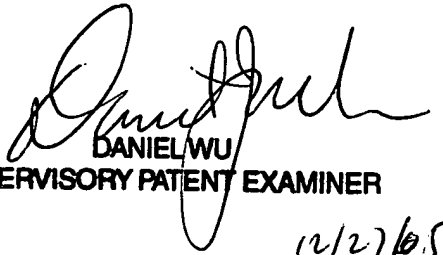
Keller, *Method Of And Measuring Arrangement For Metal Detection With A Coil Device Having Several Separately Controllable Regions*, US Patent 5,859,532.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH


DANIEL WU
SUPERVISORY PATENT EXAMINER
12/27/05